

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

IN RE: **SAN JOAQUIN VALLEY NATIONAL CEMETERY**
Water System No. 2400200

TO: Cynthia Nunez, Cemetery Director
San Joaquin Valley National Cemetery
32053 W. McCabe Road
Gustine, CA 95322

CC: Merced County Environmental Health Department
Joe McGuire, Westside Water Conditioning (45 W G Street, Los Banos, CA
93635)

**COMPLIANCE ORDER FOR NONCOMPLIANCE
OF THE TOTAL TRIHALOMETHANE AND FIVE HALOACETIC ACIDS
MAXIMUM CONTAMINANT LEVELS**

Issued on September 16, 2013

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued hereunder.

FINDINGS

The San Joaquin Valley National Cemetery (hereinafter "Cemetery") is a nontransient noncommunity water system that supplies water for domestic purposes to a population of



1 approximately 25 persons through 1 service connection. The Cemetery's water system
2 receives raw surface water from the California Aqueduct. The raw water receives chemical
3 pretreatment, clarification, filtration and disinfection to provide a minimum reduction of 3.0
4 logs of *Giardia*, 3.0 logs of *Cryptosporidium*, and 4.0 logs of virus.

5
6 Beginning on January 1, 2004, USEPA's Stage 1 Disinfectants/Disinfection Byproducts
7 Rule (ST1DBPR) required water systems serving less than 10,000 persons to begin
8 monitoring and reporting disinfection byproduct levels and residual disinfectant levels to
9 the California Department of Public Health (hereinafter "Department"). Water systems
10 serving 10,000 or more persons had to comply by January 1, 2002. The ST1DBPR applies
11 to any community and nontransient noncommunity water system that treats their water with
12 a chemical disinfectant in any part of the treatment process or which provides water that
13 contains a chemical disinfectant. The ST1DBPR set new maximum contaminant levels
14 (MCLs) in drinking water for total trihalomethanes (TTHM) at 0.080 mg/L (or 80 µg/L)
15 and for five haloacetic acids (HAA5) at 0.060 mg/L (or 60 µg/L). The ST1DBPR was
16 adopted in California and became effective on June 17, 2006. Prior to this date, any non-
17 compliance issues were referred to USEPA for enforcement action.

18
19 Based on the population of the Cemetery's water system, the Cemetery is required to collect
20 one sample per quarter taken at a point reflecting the maximum residence time in the
21 distribution system and analyzed for TTHM and HAA5. The Cemetery started quarterly
22 monitoring for TTHM and HAA5 beginning in the second quarter of 2013. Compliance
23 with the TTHM and HAA5 MCLs is based on the running annual average (RAA),
24 computed quarterly. If the RAA covering any consecutive four-quarter period exceeds the
25 TTHM MCL or the HAA5 MCL, then the system is in violation of the MCL. The
26 Cemetery has completed two quarters of monitoring. The RAA of the analytical results for
27 TTHM and HAA5 submitted to the Department for the second and third quarters of 2013



1 exceeded the TTHM MCL and the HAA5 MCLs. The RAA for TTHM is 0.115 mg/L and
2 the RAA for HAA5 is 0.096 mg/L (see Attachment A). Specifically, the Cemetery
3 exceeded the TTHM MCL and the HAA5 MCL as specified in Section 64533 (a), Title 22,
4 California Code of Regulations (CCR).

5
6 **CONCLUSIONS OF LAW**

7 Based on the above Findings, the Department has determined that the Cemetery has
8 violated provisions contained in the California Health and Safety Code (CHSC) and Title
9 22, California Code of Regulations (CCR). These violations include, but are not limited to,
10 the following:

- 11
- 12 1. CHSC, Section 116555 (a)(1): Specifically, the Cemetery has failed to provide
13 water that complies with primary and secondary drinking water standards.
14
 - 15 2. CHSC, Section 116555 (a)(3): Specifically, the Cemetery has failed to ensure that
16 the system is provided with a reliable and adequate supply of pure, wholesome,
17 healthful and potable water.
18
 - 19 3. CCR, Section 64533: Specifically, the Cemetery has failed to comply with Section
20 64533 of Title 22 of the CCR, which established the MCLs for TTHMs and HAA5s.
21 The Cemetery does not at all times deliver water to its customers which contains
22 less than 80 µg/L of TTHM and less than 60 µg/L of HAA5 based on a RAA,
23 thereby failing to provide water to the public that complies with all primary drinking
24 water standards. Section 64535.2 specifies that compliance is based on a RAA.
25
26
27



1
2 **ORDER**

3 To ensure that the water supplied by the Cemetery is at all times safe, wholesome, healthful,
4 and potable, and pursuant to Section 116555 of the CHSC, the Cemetery is ordered to take
5 the following actions:
6

- 7 1. a) Cease and Desist from failing to comply with CHSC Section 116555(a)(1),
8 (a)(3) and CCR Section 64533 by ensuring that the system is provided with a
9 reliable and adequate supply of pure, wholesome, healthful, and potable
10 water, which is in compliance with all primary drinking water standards.
11
- 12 b) The Cemetery shall provide quarterly public notification of its inability to
13 the meet the TTHM MCL and the HAA5 MCL during any calendar quarter
14 that the four-quarter running annual average exceeds the MCL. Notification
15 procedures and format are provided in Attachment B. Proof of public
16 notification shall be provided to the Department following each quarterly
17 notification by the 10th day of the month following notification, using the
18 form provided as Attachment C.
19
- 20 c) The Cemetery shall continue to collect quarterly samples for TTHMs and
21 HAA5s from the distribution system at the men's office restroom. The
22 analytical results shall be reported to the Department no later than the 10th
23 day following the month in which the samples were collected.
24
- 25 d) By **October 31, 2013**, the Cemetery shall submit to the Department, for
26 review and approval, a plan for improvements to the water system to correct
27 the water quality problem (exceedance of the TTHM and HAA5 MCLs) and



1 eliminate the delivery of water to consumers that does not meet the primary
2 drinking water standards. The Cemetery must also include a time schedule
3 for completion of various phases of the project such as design, construction
4 and startup. The plan must include an evaluation of the options that are
5 outlined in Attachment D.

6
7 e) The Cemetery must be in compliance with the primary drinking water
8 standard for total trihalomethanes and five haloacetic acids by June 1, 2015.

9
10 f) The Cemetery shall submit quarterly progress reports to the Department
11 beginning on **October 1, 2013** and continue until the Department has
12 returned the Cemetery to compliance.

13
14 g) The Cemetery shall operate the existing water system to minimize formation
15 of TTHMs and HAA5s.

16
17 2. The Cemetery shall submit a written response by **September 30, 2013**, indicating its
18 willingness to comply with the directives of this Order.

19
20 3. The Department reserves the right to make such modifications to this Order as it may
21 deem necessary to protect public health and safety. Such modifications may be
22 issued as amendments to this Order and shall be effective upon issuance. All
23 submittals required by this Order shall be addressed to:

24
25 Carl L. Carlucci, P.E., Supervising Sanitary Engineer
26 California Department of Public Health
27 Southern California Branch
Drinking Water Field Operations
265 W. Bullard Avenue, Suite 101



Fresno, CA 93704

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4. If the Cemetery is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the Cemetery notifies the Department in writing no less than five days in advance of the due date, the Department may extend the time for performance if the Cemetery demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.
5. If the Cemetery fails to perform any of the tasks specified in this Order by the time described herein or by the time subsequently extended pursuant to Item 4 above, the Cemetery shall be deemed to have not complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in CHSC Code, Sections 116725 and 116730.
6. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the Cemetery, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the Cemetery or its agents in carrying out activities pursuant to this Order.

20 **PARTIES BOUND**

21 This Order shall apply to and be binding upon the Cemetery, its officers, directors, agents,
22 employees, contractors, successors, and assignees.

23
24 **SEVERABILITY**

25 The requirements of this Order are severable, and the Cemetery shall comply with each and
26 every provision thereof notwithstanding the effectiveness of any provisions.
27




CIVIL PENALTIES

Failure to comply with any provision or compliance schedule of this Order may result in the Department imposing additional enforcement actions (Citations) and administrative penalties.

Date

9-16-2013


Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments:

Attachment A: Summary of Analytical TTHM & HAA5 results
Attachment B: Public Notification Method & Notice
Attachment C: Proof of Notification Form
Attachment D: Improvement Plan Options

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SUMMARY OF TTHM AND HAA5 RESULTS (2013)
 SAN JOAQUIN VALLEY NATIONAL CEMETERY
 SYSTEM NO. 2400200

Year	Quarter	TTHMs Results, ug/l	TTHM RAA, ug/l	HAA5 Results, ug/l	HAA5 RAA, ug/l	COMMENTS
2013	2nd	320		370		* EXCEEDS TTHM MCL OF 80 ug/L and HAA5 MCL OF 60 ug/L
2013	3rd	140		14		
2013	4th	0		0		
2014	1st	0		0		
RAA			115.0*		96.0*	

Instructions for Tier 2 HAA5 MCL Notice Template

Template Attached

Since exceeding the HAA5 maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-

speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove arsenic or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for arsenic."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**The San Joaquin Valley National Cemetery Has Levels of
Total Trihalomethanes and Five Halo Acetic Acids
Above the Drinking Water Standard**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received for the second and third quarters of 2013 showed total trihalomethanes at a level of 115 micrograms per liter and five halo acetic acids at levels of 96 micrograms per liter as calculated as a running annual average. These results are above the standards, or maximum contaminant levels (MCL) of 80 and 60 micrograms per liter, respectively.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. However, some people who use water containing total trihalomethanes and five halo acetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact <insert name> at <insert address>, <insert phone number>.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by the San Joaquin Valley National Cemetery.

State Water System ID#: 2400200. Date distributed: _____.

Attachment C

PROOF OF NOTIFICATION

(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **San Joaquin Valley National Cemetery** of the failure to meet the TTHM MCL and the **HAA5 MCL** for the:

Circle one: 1st 2nd 3rd 4th quarter of _____ (year).

Notification was made on _____ by _____
(date)

hand delivered and/or mailed and/or posted written notice.
(circle all completed)

Signature of Water System Representative

Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Dept. of Public Health within 10 days of notification to the public
TTHM & HAA5 MCL Exceedance
System Number: 2400200



Do your part to help California save energy. To learn more about saving energy, visit the following web site:
<http://www.fypower.org>

Southern California Drinking Water Field Operations Branch

265 W. Bullard Avenue, Suite 101, Fresno, CA 93704

(559) 447-3300; Fax (559) 447-3304

Internet Address: <http://www.cdph.ca.gov/programs/Pages/DDWEM.aspx>

Improvement Plan Options

1. GAC treatment
2. Minimizing water age in the distribution system and maximizing reservoir turnover
3. Treatment optimization and increased DBP precursor removal through enhanced coagulation
4. Disinfection dosage and CT ratio optimization
5. Alternative disinfectant injection points
6. Alternative disinfectants
7. Any other options